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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,975	09/30/2003	Janice Marie Girouard	AUS920030602US1	4962
35525	7590	02/22/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER MENDOZA JR, JORGE	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			02/22/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

### Office Action Summary

**Application No.**

10/674,975

**Applicant(s)**

GIROUARD ET AL.

**Examiner**

JORGE MENDOZA JR

**Art Unit**

4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/15/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims **1-22** are presented for Examination.
2. Claims **11-13** have been canceled.
3. Claims **23-25** have been added.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **8, 14, 20, 22** are rejected under 35 U.S.C. 102(a) as being anticipated by **Tsukagoshi (US Patent No. 6,115,077)**.

With respect to Claim **8**, the claimed "decoding the multimedia program to form decoded multimedia program data" is met by Tsukagoshi that teaches the use of a decoder/demultiplexer,**1**, to decode a video signal having encoded video, audio, and subtitle data (*Fig.3; col.4, lines 37-45*). The claimed "analyzing a portion of the multimedia data; determining whether readability of a subtitle in the portion of the multimedia program data needs improvement; and responsive to the readability of the subtitle in the portion of the multimedia program data needing improvement, performing color correction on part of the multimedia program data containing the subtitle to improve readability of the subtitle" is met by Tsukagoshi that teaches the use of a subtitle decoder,**7**, in the analysis, determination, and actual noise removal from subtitle data

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*(Abstract; col.2, lines 48-52; col.3, lines 1-34; col.4, lines 37-45; col.5, lines 10-16, col.6, lines 38-51; col.7, lines 11-15; col.14, line 58 to col.15, line 11).*

With respect to Claims **14** and **20**, the claims are met by Tsukagoshi as discussed above for Claim **8**.

With respect to Claim **22**, the claimed "a bus system; a memory connected to the bus system; wherein the memory includes a set of instructions" is met system controller, **14**, and memory- **2,4,6,12** (*Fig.3; col. 4, lines 26-36*). The claimed "processing unit connected to the bus system, wherein the processing unit executes a set of instructions to decode the multimedia program data to form decoded multimedia program data; analyze a portion of the multimedia program data; determine whether readability of a subtitle in the portion of the multimedia program data needs improvement; and perform color correction on the part of the multimedia program data containing the subtitle to improve readability of the subtitle in response to the readability of the subtitle in the portion of the multimedia program data needing improvement " is met by Tsukagoshi as discussed above for Claim **8**.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim **1, 3, 5, 7, 9, 10, 15, 16, 18, 21, 24, & 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lapierre (USPN 6,075,550)** in view of **Robson et al. (US Patent Application No. 2004/0006767 A1)**.

With respect to Claim 1, Lapierre teaches the claimed "identifying text in the subtitles in the multimedia program data to generate a set of text" by disclosing a closed caption decoding device **300** that separates the closed caption portion of a video signal and generates a text data signal (*col.2, lines 47-50; col.3, lines 14-24 and Fig.1 & 2*). The claimed "analyzing the set of text to obtain a rating; identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion; and altering the identified portion" is met in part by Lapierre that teaches the use of a censoring device **400** that performs an analysis on the text data signal, identifies an objectionable word, and alters the text or the audio accordingly (*col.2, lines 50-54; col.3, lines 33-42; col.5, lines 33-56 and Fig.1 & 2*).

The Lapierre reference is silent with respect to the obtaining of a rating and the use of such a rating to form an identified portion. However, in the same field of endeavor, the Robson et al. portion teaches the use of a rating system in the identification of an objectionable portion of a multimedia program, whereby different

types and levels of intensity of objectionable material are used (*Abstract; paragraphs [0003], [0012], [0019], [0021], [0045]-[0059], [0147], [0158]*).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lapierre with that of Robson et al. in order to allow for a greater selectivity in the filtering of objectionable content. Such a modification would allow the invention of Lapierre to offer subscribers varying degrees of objectionable content filtering.

With respect to Claim **3**, the claimed "portion of the multimedia program data includes a video component and an audio component and wherein the identified portion is altered by blanking at least one of the video portion and the audio portion" is met by the censoring device **400** of Lapierre that serves to turn off the audio signal for a fixed amount of time (*see Figs. 1 & 2, and col.2, lines 47-50*).

With respect to Claim **5**, the claimed "decoding the multimedia program data prior to initiating performing step" is met by the closed caption decoding device **300** that separates a video signal into a video and a closed caption component (*Fig. 1&2; col.2, lines 47-50 and col.3, lines 14-25*). The claimed "re-encoding the multimedia program data after altering the identified portion" is met by the close caption encoder **500** that combining he video signal and the altered closed caption component (*Fig. 1; col.2, lines 58-62*).

With respect to Claim **7**, the claimed "multimedia program is a movie" is met by Lapierre that teaches the use of his invention for broadcast, cable, and videocassette programming (*col.1, lines 9-12*). Even though the Lapierre reference does not explicitly

disclose a movie, the Examiner takes Official Notice that it is well known in the art that movies are regularly found on broadcast, cable, and videocassette programming.

With respect to Claim **9**, the claimed "identifying means for identifying text in the subtitles in the multimedia program data to generate a set of text; analyzing means for analyzing the set of text to form an analysis; identifying means for identifying a portion of the multimedia program data that should be altered based on the analysis to form an identified portion; and altering means for altering the identified portion" are met by Lapierre as discussed above in Claim **1**.

With respect to Claim **10**, the claimed "portion of the multimedia program data includes a video component and an audio component and wherein the identified portion is altered by blanking at least one of the video portion and the audio portion" is met by Lapierre as discussed above in Claim **3**.

With respect to Claim **15**, the claimed "first instructions for identifying text in the subtitles in the multimedia program data to generate a set of text; second instructions for analyzing the set of text to obtain a rating; third instructions for identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion; and fourth instructions for altering the identified portion" is met by Lapierre as discussed above in Claim **1**.

With respect to Claim **16**, the claimed "portion of the multimedia program data includes a video component and an audio component and wherein the identified portion is altered by blanking at least one of the video portion and the audio portion" is met by Lapierre as discussed above in Claim **3**.

With respect to Claim **18**, the claimed “fifth instructions for decoding the multimedia program data prior to initiating identifying text; and sixth instructions for re-encoding the multimedia program data after altering the identified portion” is met by Lapierre as discussed above in Claim **5**.

With respect to Claim **21**, the claimed “a bus system; a memory connected to the bus system, wherein the memory includes a set of instructions; and a processing unit connected to the bus system” is met in part by the Tuner **100** and the Censor 400 of Lapierre (*Fig 1&2*). Even though a memory containing a set of instructions is not explicitly shown, it is inherent to the Lapierre reference since the Censor needs to have a memory unit to store objectionable words. The claimed “processing unit executes the set of instructions to identify text in the subtitles in the multimedia program data to generate a set of text; analyze the set of text to obtain a rating; identify a portion of the multimedia program data that should be altered based on the rating to form an identified portion; and alter the identified portion” is met by Lapierre as discussed in Claim **1**.

With respect to Claim **24**, the claimed “wherein the rating is determined based on information that is configured by a user, wherein the user is a person who is consuming the multimedia program” is met by Robson et al. that teaches the use of user supplied filter setting (*Abstract; paragraphs [0042], 0166], [0186]*).

With respect to Claim **25**, the claimed “wherein the step of identifying the portion of the multimedia program data that should be altered based on the rating to form the identified portion comprises of comparing the rating to a user selected preference” is



met by Robson et al. that teaches the comparing of filtering information, obtained from a decoding process, to the filtering criteria supplied by a user (*Abstract*; [0042]; [0182]).

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lapierre (USPN 6,075,550)** in view of **Robson et al. (US Patent Application No. 2004/0006767 A1)** as applied to Claim 1 above, and further in view of **Devara et al. (Pub# US 2002/0078452 A1)**.

With respect to Claim 2, the Lapierre reference in view of the Robson et al. reference teach a system of identifying text in subtitles, analyzing this text to obtain a rating, selecting, and altering a corresponding portion of video and/or audio. However, Lapierre does not specifically disclose that the text is identified by performing optical character recognition (OCR) on the subtitles. The Devara et al. reference teaches that a program can be classified according to the identification of cues in the transcript information provided with the program and that text can be generated from the transcript information via OCR (*see the Abstract and par.0019*). It would have been obvious to one of ordinary skill in the art to have combined the Lapierre reference in view of the Robson et al. reference, as described above, with the additional teachings of the Devara et al. reference since both of them teach the use of subtitles in the identification of specific program criteria. One of ordinary skill in the art would have been led to make such a combination for the advantages given above.

6. **Claims 4, 6, 17 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lapierre (USPN 6,075,550)** in view of **Robson et al. (US Patent Application No. 2004/0006767 A1)** as applied to Claim **1** above, and in further view of **Li et al (US PUB 2003/0107592 A1)**.

With respect to Claim **4**, the claimed "performing baysean filtering on a set of text" is not explicitly taught by the Lapierre reference in view of the Robson et al. reference. The Lapierre reference in view of the Robson et al. reference teaches a system of identifying text in subtitles, analyzing this text to obtain a rating, selecting, and altering a corresponding portion of video and/or audio. However, Lapierre in view of Robson et al. does not specifically disclose that the text is analyzed by performing Bayesian filtering on it. The Li et al reference teaches the use of video, audio and transcript information to detect specific people in a multimedia program (*see Abstract and par.0008*). Furthermore, the Li et al teaches the analysis of these components by the use of processor **27** implementing Bayesian software (*par.0038*). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to have combined the Lapierre reference as modified by the Robson et al reference, as described above, with the teachings of the Li et al reference in order to allow for additional subtitle analysis options.

With respect to Claim **6**, the claimed “portion of the multimedia program data is one of a frame or a group of frames” is not explicitly taught by the Lapierre reference in view of the Robson et al. reference. However, the Li et al reference teaches a processor **27** that performs analysis on a video signal by analyzing the video, audio, and/or transcript data on a group of frames (*par. 0043-0046*).

With respect to Claim **17**, the claimed “sub instructions for performing baysean filtering on the set of text” is met by Li et al as discussed above in Claim **4**.

With respect to Claim **19**, the claimed “portion of the multimedia program data is one of a frame or a group of frames” is met by Li et al as discussed above in Claim **6**.

7. **Claims 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lapierre (USPN 6,075,550)** in view of **Robson et al. (US Patent Application No. 2004/0006767 A1)** as applied to Claim **1** above, and in further view of **Kwoh (US Patent No. 6,115,057)**.

With respect to Claim **23**, the claimed "wherein the rating comprises at least one of G, PG, PG-13, and R" is met in part by Robson et al. that teaches the use of a rating system in the identification of an objectionable portion of a multimedia program, whereby different types and levels of intensity of objectionable material are used (*Abstract; paragraphs [0003], [0012], [0019], [0021], [0045]-[0059], [0147], [0158]*). However, the Robson et al. reference is silent as to the use of a rating system using G, PG, PG-13, and R. In the same field of endeavor, the Kwoh reference teaches the use of rating data to indicate a rating level for particular program video segments, whereby the rating level can be PG-13, PG, G, R, or X (*Abstract; col.1, line 65 to col.2, line 2; col.17, lines 46-58*).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lapierre as modified by the Robson et al. reference, as described above, with that of the invention of Kwoh in order to allow an additional rating system for which objectionable content could be categorized. Such a modification would allow the invention of Lapierre as modified by the Robson et al. reference, as described above, to offer a user a comprehensive and widely used rating system for objectionable content filtering.

***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Jorge Mendoza Jr. whose telephone number is (571) 270-5087. The examiner can normally be reached: Monday – Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 0271-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 4126

**/Jorge Mendoza Jr./**

**Examiner, Art Unit 4126**

**/Dennis-Doon Chow/**

**Supervisory Patent Examiner, Art Unit 4126**